IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

COMPANY PETITION NO.136 OF 2004

Bharucha Motiwala (Poona) P.Ltd .... Petitioner
v/s.
Global Agritech (I) P.Ltd...Respondent

R.N. Sanghavi for the petitioner.
H.N. Thakore with Ms. Jyoti Ghag i/b. Thakore Jariwala and Co. for company.

CORAM: S.U. KAMDAR, J.

DATE : 24TH FEBRUARY, 2005.

P.C. :

1. Learned counsel appearing for the respondent company makes a statement that he will deposit a sum of Rs.4,75,000/- within a period of four weeks from today. If such deposit is made then the petition to stand dismissed.

2. In an event of default in deposit of the aforesaid amount the company petition to stand admitted and advertised in Free Press Journal, Janmabhoomi and Maharashtra Government Gazette. The petitioner to deposit a sum of Rs.2,000/- in the

office of Prothonotary and Senior Master.

3. In an event if such deposit is made then the petitioner to file a suit within a period of four weeks from the date of communication of such deposit by the advocate for the respondent company to the advocate for the petitioner. If such a suit is filed the amount to be transferred to the credit of the said suit. The Prothonotary and Senior Master, High Court, Bombay is directed to invest the said amount deposited in the fixed deposit of any nationalised bank initially for a period of three years and renew the same from time to time until further orders.

4. In an event if such suit is not filed within the aforesaid period then the company will be entitled to take refund of the said amount from the office of the Prothonotary and Senior Master, High Court, Bombay. All contentions of the parties in the suit are kept open.

. The petition is disposed off accordingly. There shall be no order as to costs.

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sd/-

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